

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

**NOTICE OF AMENDMENTS
TO LOCAL RULES 36(b) and 40(a)**

PLEASE TAKE NOTICE that the Court amends Local Rule 36(b) to eliminate the subscription service for unpublished opinions of the Court. The Court has discontinued the printing of its unpublished opinions. Only published opinions of the Court will now be available through an annual subscription service.

The Court amends Local Rule 40(a) to require that every copy of a petition for rehearing or petition for rehearing en banc have a copy of the Court's opinion as a mandatory attachment. The provision of the former local rule allowing a pro se indigent litigant to file only one copy of a petition for rehearing or petition for rehearing en banc has been deleted. All litigants, including pro se indigent parties, now will be required to file four copies of a petition for rehearing, or twenty copies of a petition for rehearing en banc, with a copy of the Court's opinion attached to each copy.

The Court determines that there is an immediate need for these changes and makes the changes effective October 5, 2004, subject to amendment in light of comments received. Interested parties may submit comments on these changes on or before November 30, 2004 to:

Patricia S. Connor, Clerk
U.S. Court of Appeals for the Fourth Circuit
1100 E. Main Street, Suite 501
Richmond, Virginia 23219

October 5, 2004

Date

s/ Patricia S. Connor

Clerk

Local Rule 36(b). Unpublished Dispositions.

Unpublished opinions give counsel, the parties, and the lower court or agency a statement of the reasons for the decision. They may not recite all of the facts or background of the case and may simply adopt the reasoning of the lower court. They are sent only to the trial court or agency in which the case originated, to counsel for all parties in the case, and to litigants in the case not represented by counsel. Any individual or institution may receive copies of all published ~~and certain unpublished~~ opinions of the Court by paying an annual subscription fee for this service. In addition, copies of such opinions are sent to all circuit judges, district judges, bankruptcy judges, magistrate judges, clerks of district court, United States Attorneys, and Federal Public Defenders upon request. Copies of published and unpublished opinions are available from the Clerk's Office for \$2.00 per opinion. Published and unpublished opinions issued since January 1, 1996 are available free of charge at www.ca4.uscourts.gov.

Counsel may move for publication of an unpublished opinion, citing reasons. If such motion is granted, the unpublished opinion will be published without change in result.

Local Rule 40(a). Filing of Petition.

Although petitions for rehearing are filed in a great many cases, few are granted. Filing a petition solely for purposes of delay or in order merely to reargue the case is an abuse of privilege.

Whenever a request for rehearing en banc is contained in a petition, such fact must be stated plainly on the cover of and in the title of the document.

The Court requires 4 copies of the petition. If the petition contains a request for rehearing en banc, the Court requires 20 copies. ~~In either case, a pro se party who is indigent need file only the original.~~ **A copy of the Court's opinion must be attached to each copy of the petition for rehearing or petition for rehearing en banc.**